

VZCZCXRO7135  
PP RUEHDBU  
DE RUEHC #0639/01 1630203  
ZNR UUUUU ZZH  
P 120139Z JUN 09  
FM SECSTATE WASHDC  
TO AMEMBASSY DUSHANBE PRIORITY 0757

UNCLAS SECTION 01 OF 05 STATE 060639

SIPDIS

E.O. 12958: N/A

TAGS: [ELAB](#) [KCRM](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [KPAO](#) [KTIP](#) [TI](#)  
SUBJECT: TAJIKISTAN--2009 TIP REPORT: PRESS GUIDANCE AND  
DEMARCHE

REF: A. 2009 STATE 59732  
[1](#)B. 2009 STATE 5577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Tajikistan of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Tajikistan and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at [www.state.gov/g/tip](http://www.state.gov/g/tip) shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Tajikistan of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of Tajikistan's country narrative in the 2009 TIP Report:

-----  
Tajikistan (TIER 2 Watch List)  
-----

Tajikistan is a source country for women trafficked to the UAE often through Kyrgyzstan and Russia, for the purpose of commercial sexual exploitation. Some women are trafficked from Tajikistan to Russia, Turkey, Iran, and India for the purpose of commercial sexual exploitation. Men are trafficked to Russia and, to a lesser extent, Kazakhstan for the purpose of forced labor, primarily in the construction and agricultural sectors. Children, men, and women are

STATE 00060639 002 OF 005

coerced by some local government authorities to harvest cotton. In 2008, a small number of Tajik men were trafficked to Poland for the purpose of forced labor. Boys and girls are trafficked internally for various purposes, including forced labor, forced begging, and commercial sexual exploitation.

The Government of Tajikistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate progress in prosecuting and convicting officials complicit in trafficking and ensuring that victims have access to protection; therefore, Tajikistan is placed on Tier 2 Watch List. The government reported limited improvements in law enforcement efforts, although these efforts were overshadowed by the government's failures to address serious and systemic problems. The most significant of these problems were the government's failure to address trafficking corruption; poor coordination between law enforcement and security institutions with overlapping responsibilities; failure to adequately investigate allegations of security officials' abuse of victims; and excessive reliance on the international community to conduct trafficking awareness campaigns and to ensure victims have access to assistance and protection.

The government also failed to prevent local officials from compelling men, women and children ) particularly in Khatlon and Sughd regions ) to pick cotton during the annual cotton harvest. For the first time in 2008, local prosecutors initiated investigations into allegations that local officials and teachers forced children to pick cotton -- although there were no convictions of officials for compelled labor during the reporting period. Forced labor in the cotton sector remained problematic because the Government of Tajikistan continued to set a fixed price for a small cadre of investors to purchase cotton from farmers. This fixed price is well below market value, making it difficult for farmers to pay workers to pick cotton. This undervaluing of labor, and consequent lack of voluntary laborers, leads local officials to compel people to participate in the cotton campaign.

Recommendations for Tajikistan: Vigorously investigate and prosecute trafficking offenses, especially those involving labor trafficking, and convict and punish trafficking offenders with imprisonment; ensure better coordination

between law enforcement and security institutions, particularly the State Committee on National Security; prosecute and convict government officials who participate in or facilitate trafficking in persons and ensure they serve time in prison; ensure unidentified victims are not assaulted or re-victimized by government officials and ensure such allegations of assault are fully investigated and culpable offenders are prosecuted and criminally punished; provide financial or in-kind assistance to existing trafficking shelters; be directly involved in trafficking awareness campaigns, and ensure anti-trafficking information appears in government media outlets; prohibit the forced or coerced labor of children and adults in the annual cotton harvest by monitoring school and university attendance, inspecting cotton fields during the harvest, and enforcing existing laws prohibiting the use of forced labor; make efforts to improve trafficking data collection and analysis; and develop a victim identification and referral mechanism.

#### Prosecution

-----

The Government of Tajikistan reported increased but limited anti-trafficking law enforcement efforts during the reporting period. Article 130.1 of the criminal code prohibits both sexual exploitation and forced labor, and prescribes penalties of 5 to 15 years' imprisonment, which are sufficiently stringent but are lower than penalties prescribed for other grave crimes, such as rape. Although it was added to the criminal code in 2003, officials have not successfully used the statute to prosecute trafficking offenders. However, officials have used other criminal provisions to address trafficking related crimes, and for the first time, authorities investigated suspected labor trafficking cases. In 2008, authorities reported investigating 23 individuals suspected of trafficking, an increase from 12 trafficking investigations in 2007. The government reported 23 prosecutions in 2008, compared to 19 reported in 2007. Courts convicted 17 traffickers in 2008, up from 11 convictions reported in 2007. The government reported that no convicted traffickers received suspended sentences or were granted amnesty in 2008; sentences for those serving time in prison ranged from six months to eight years' imprisonment. The government worked with Russian authorities to investigate two trafficking cases in 2008.

STATE 00060639 003 OF 005

The government did not demonstrate significant efforts to address government complicity in trafficking during the reporting period. The State Committee on National Security did not vigorously investigate reports that three identified trafficking victims were sexually assaulted by its officers after they were repatriated to Tajikistan. There were unconfirmed reports that some government officials used their authority to stop trafficking investigations because of illicit ties to traffickers. Local officials in Sughd and Khatlon regions were directly involved in organizing and coercing students to participate in the annual cotton harvest and, despite widespread public reports of this forced labor, the Ministry of Labor did not deploy inspection teams to investigate them and Ministry of Education officials generally did not discipline teachers or local administrators who facilitated or directed such practices. However, after the conclusion of the harvest, government prosecutors in Khatlon investigated 12 local government officials and teachers for forcing school age and university students to pick cotton; some of the education officials were reprimanded for their actions, however no officials were convicted of criminal offenses during the reporting period.

#### Protection

-----

The government demonstrated no efforts to assist trafficking victims during the reporting period. Virtually all victim

assistance and protection including shelter, medical assistance, rehabilitative counseling, legal assistance, and vocational training was provided by foreign-funded shelters and NGOs; the government did not provide financial or in-kind assistance to any NGO or organization that provided victim assistance. In 2008, thirty-eight victims were provided with shelter and assistance by foreign-funded NGOs, compared to 46 victims in 2007. The government again made no efforts to develop and implement systematic victim identification procedures or a domestic mechanism to refer victims to care providers. Victims were encouraged to participate in trafficking investigations and prosecutions; however, many authorities remained untrained and unskilled on interviewing and caring for victims of trafficking. Although victims were generally not detained or punished, three female victims of sex trafficking alleged that border service officials sexually assaulted them upon their repatriation to Tajikistan.

#### Prevention

Tajikistan again demonstrated limited prevention efforts during the reporting period. In October 2008, the government produced and broadcast television programs informing potential labor migrants of their rights and practical considerations for the migration process. In 2008, officials instituted monitoring and licensing requirements for travel firms to help detect or investigate firms suspected of labor trafficking complicity.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims' labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of

STATE 00060639 004 OF 005

trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 -- or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers' home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries' "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers' profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website [www.state.gov/g/tip](http://www.state.gov/g/tip).

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as

STATE 00060639 005 OF 005

possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

¶Q. Why was Tajikistan again placed on Tier 2 Watch List?

¶A. The Government of Tajikistan did not demonstrate progress in prosecuting and convicting officials complicit in trafficking and ensuring that victims have access to protection; therefore, Tajikistan is placed on Tier 2 Watch List. The government failed to address trafficking corruption; demonstrated poor coordination between law enforcement and security institutions with overlapping responsibilities; failed to adequately investigate allegations of security officials' abuse of victims; and excessively relied on the international community to conduct trafficking awareness campaigns and ensure victims had access to assistance and protection. The government also failed to prevent local officials from compelling men, women and children ) particularly in Khatlon and Sughd regions ) to pick cotton during the annual cotton harvest. Forced labor in the cotton sector remained problematic because the government continued to set a fixed price for a small cadre of investors to purchase cotton from farmers. This fixed price is well below market value, making it difficult for farmers to pay workers to pick cotton. This undervaluing of labor, and consequent lack of voluntary laborers, leads local officials to compel people to participate in the cotton campaign.

¶Q. What efforts did Tajikistan make during the reporting period?

¶A. The Tajikistan government reported limited improvements in law enforcement efforts, although these efforts were overshadowed by the government's failures to address serious and systemic problems. For the first time in 2008, local prosecutors initiated investigations into allegations that local officials and teachers forced children to pick cotton\*although there were no convictions of officials for compelled labor during the reporting period.

¶Q. What can Tajikistan do to improve its fight against trafficking in persons?

¶A. Vigorously investigate and prosecute trafficking offenses, especially those involving labor trafficking, and convict and punish trafficking offenders with imprisonment; ensure better coordination between law enforcement and security institutions, particularly the State Committee on National Security; prosecute and convict government officials who participate in or facilitate trafficking in persons and ensure they serve time in prison; ensure unidentified victims are not assaulted or re-victimized by government officials and ensure such allegations of assault are fully investigated and culpable offenders are prosecuted and criminally punished; provide financial or in-kind assistance to existing trafficking shelters; be directly involved in trafficking awareness campaigns, and ensure anti-trafficking information appears in government media outlets; prohibit the forced or coerced labor of children and adults in the annual cotton harvest by monitoring school and university attendance, inspecting cotton fields during the harvest, and enforcing



existing laws prohibiting the use of forced labor; make efforts to improve trafficking data collection and analysis; and develop a victim identification and referral mechanism.

¶12. The Department appreciates posts' assistance with the preceding action requests.

CLINTON